

October 28, 2003

Agenda No. 11  
8/26/03

Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**CONDITIONAL USE PERMIT NUMBER 02-218-(2)  
SECOND SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced permit which proposes 112 detached single-family condominiums on approximately 9 acres in the Carson Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN  
County Counsel

By  
JUDITH A FRIES  
Principal Deputy County Counsel  
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN  
County Counsel

JAF:cnz  
Enclosure

**REVISED**

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NO. 02-218-(2)**

1. The Board of Supervisors ("Board") of the County of Los Angeles has conducted a duly noticed public hearing on this proposed Conditional Use Permit Case No. 02-218-(2) on August 26, 2003. The Regional Planning Commission of the County of Los Angeles previously conducted its duly noticed public hearing on this proposal on March 19, 2003, and July 2, 2003.
2. The applicant is proposing to construct a residential development consisting of 112 detached single-family condominiums on the subject property.
3. A conditional use permit is required to ensure compliance with the requirements of the proposed Development Program zone pursuant to Sections 22.20.170 and 22.40.040 of the Los Angeles County Code.
4. The subject property is located at 21000 South Normandie Avenue in the Carson Zoned District.
5. The irregularly shaped property is 9.33 net acres (9.59 gross acres) in size with level topography. The site is currently developed with three industrial buildings previously owned by Boeing for research and development and manufacturing uses. These buildings will be removed to accommodate the proposed development.
6. Access to the proposed development will be provided from the west via Normandie Avenue, a secondary highway. A driveway system linking Normandie Avenue to the west and 210<sup>th</sup> Street to the east will serve the proposed development. Access from 210<sup>th</sup> Street will be restricted to emergency vehicles only. Pedestrian access shall be prohibited.
7. Properties to the north of the project site are used for various commercial and industrial purposes. Single-family residences are located to the east and west, and a mobile home park surrounded by single-family residences is located to the south.
8. The project site is currently zoned MPD (Manufacturing Industrial Planned Development). The zoning was established by Ordinance No. 92-0083, which became effective on September 5, 1992. The Board has concurrently considered Zone Change Case No. 02-218-(2) to change the zoning of the subject property from MPD to R-2-DP (Two-Family Residence-Development

Program Zone). The Development Program designation will ensure that development occurring after the property has been rezoned will conform to plans submitted by the applicant through the conditional use permit approval process. Approval of this conditional use permit will not become effective unless and until the Board has adopted an ordinance effecting the change of zone and such ordinance has become effective.

9. Surrounding zoning is MPD (Manufacturing Industrial Planned Development) to the north and south and R-1-5000 (Single-Family Residence-5000 square foot minimum lot area) to the east. Property to the west is located within the City of Los Angeles and is zoned single-family residential. Farther north are properties zoned R-2 and C-3, and farther south are R-1-5,000 zoned properties.
10. The proposed project is consistent with the requested R-2-DP zoning classification. Pursuant to Section 22.40.040 of the Los Angeles County Code, property in a DP zone may be used for any use permitted in the basic zone, subject to the conditions and limitations of the conditional use permit and approved development program contained therein. Single-family residences are permitted in the R-2 zone pursuant to Section 22.20.170 of the Los Angeles County Code. The project density of 112 dwelling units is consistent with the proposed R-2 zoning, which would allow a maximum of 162 dwelling units on the subject property.
11. The property is depicted within the Low Density Residential land use classification of the Los Angeles Countywide General Plan Land Use Policy Map. This land use classification permits residential densities ranging from one to six dwelling units per acre, which would allow a maximum of 57 dwelling units on the site. The density of the proposed residential development, approximately 11.67 dwelling units per acre, exceeds the density allowed in the Low Density Residential land use classification. However, General Plan policies also support concentrated "infill" residential development. The project's higher density is consistent with the residential infill policy of the General Plan since it meets the following criteria:
  - a. The proposed project will not disrupt sound residential neighborhoods nor adversely affect the character of the established community since the surrounding area has a variety of residential, industrial, and commercial uses. Surrounding residential densities range from six dwelling units per acre up to 26 dwelling units per acre in the adjacent mobile home park;

- b. The proposed project site is of sufficient size to accommodate design features, such as setbacks, landscaping, and buffering, necessary to ensure compatibility with surrounding uses. Such project features include detached condominiums with front, side, and rear yards for each home, which are comparable to the development pattern of nearby single-family residences. As depicted on the conceptual landscape plan, extensive landscaping is provided and trees will be planted on the northern boundary of the project to provide a buffer from the adjacent industrial use. The project will also provide a 6,500-square foot recreation area consisting of a pool, spa, cabana, and tot lot;
  - c. The proposed project will not overburden existing public services and facilities, as described in the Mitigated Negative Declaration prepared for the project;
  - d. The proposed use will not disrupt or adversely impact local traffic and parking conditions. A total of 327 parking spaces will be provided on-site. There are three parking spaces for each three-story condominium, two parking spaces for each two-story condominium, and 54 guest parking spaces, which substantially exceeds the County guest parking requirement of one guest space for every four dwelling units. The Mitigated Negative Declaration prepared for the project concludes that the proposed residential development will not adversely affect local traffic conditions since the applicant will contribute the required pro rata share for traffic improvements; and
  - e. Compatibility of the proposed project with surrounding uses, in terms of scale, intensity, and design, is ensured through specific site plan review. The applicant has submitted an Exhibit "A" depicting a residential development that is compatible with the character, scale, and design of the surrounding neighborhood.
12. The proposed project will increase the supply and diversity of housing and promote the efficient use of land through a more concentrated pattern of urban development. The project is consistent with the goals and policies of the General Plan.
13. Vesting Tentative Tract Map No. 53937 is a related request to create one multi-family lot for development with 112 detached single-family condominiums on the 9.33-acre subject property. The Board's findings with respect to this vesting tentative tract map are incorporated herein by this reference as if fully set forth.

14. The applicant's site plan, labeled Exhibit "A," depicts 112 detached single-family condominiums occupying approximately 4.6 acres of the project site. To accommodate 112 condominiums, five townhouse models are proposed consisting of two-story and three-story buildings; two-story buildings are 25 feet in height and three-story buildings are 35 feet in height. The townhouses range from 2,353 to 2,853 square feet in size with four to five bedrooms, attached garages, and individual front, side, and rear yards. There is a 6,500-square-foot recreation area consisting of a pool, spa, cabana, and tot lot. A total of 327 parking spaces are depicted, including 78 guest parking spaces distributed throughout the project site. Landscaping is located in the gated entry, parking and recreation areas, front yards of the townhouses, and along the northern property line. The townhouses are accessed by private common driveways with varying widths up to 36 feet.
15. The Regional Planning Commission received oral and written testimony regarding the proposed development at a public hearing held on March 19, 2003. Correspondence was submitted to the Regional Planning Commission from a constituent requesting that construction vehicles be prohibited from accessing the subject property from 210<sup>th</sup> Street and that there be a permanent restriction on access for emergency vehicles only from 210<sup>th</sup> Street.
16. The Regional Planning Commission approved Conditional Use Permit Case No. 02-218-(2) on May 14, 2003. At its first meeting thereafter, on May 21, 2003, the Commission reconsidered and rescinded its approval based on new evidence that soil contamination from a prior industrial use had been detected on the project site. The Commission directed that the Initial Study and Mitigated Negative Declaration previously prepared for the project be revised as necessary to consider the on-site soil contamination and to incorporate mitigation measures adequate to reduce the project's impacts on environmental safety to less than significant levels. The Mitigated Negative Declaration was revised and circulated for public review, and a subsequent public hearing on the proposed development was held on July 2, 2003, before the Regional Planning Commission.
17. After considering the evidence presented, the Regional Planning Commission approved the conditional use permit and determined that the covenants, conditions, and restrictions for the project should be required to include disclosure of the existing adjacent industrial zoning, uses, and impacts, as well as disclosure of a formula for long-term reserve fund requirements. The Commission also modified the conditions of approval to include the following:  
1) complete remediation of any on-site soil contamination resulting from the prior industrial use, 2) construction of an eight-foot wall on the southern property line to provide a buffer from the adjacent mobile home park, 3) graffiti removal within 24 hours, and 4) submission of a parking management plan.

18. No one testified concerning the project at the August 26, 2003, hearing on the matter before the Board of Supervisors.
19. At the applicant's request, construction activities shall be permitted on Saturdays between 8:00 a.m. and 5:00 p.m.
20. The proposed use is subject to the development standards and requirements applicable to the R-2 zone, as set forth in Sections 22.20.170 through 22.20.250 of the Los Angeles County Code, as well as the requirements of the DP zone, pursuant to Sections 22.40.030 through 22.40.080 of the Los Angeles County Code.
21. The irregular shape of the lot and the layout of the condominium project have made it impractical to comply with the required front and rear yard setbacks. Pursuant to Section 22.48.180 of the Los Angeles County Code, the applicant requested and the Board hereby grants yard modifications from the required 20-foot front yard setback to a 5-foot setback adjacent to dwelling unit no. 112 and from the required 15-foot rear yard setback to a 12-foot rear yard setback adjacent to dwelling unit no. 74, as depicted on the approved Exhibit "A" or an approved revised Exhibit "A." Further, if the applicant records a lot line adjustment and conveys deeds to the adjacent property owners to establish a portion of the eastern property line consistent with the location of the existing wall approximately 9 feet to the west, a modification from the required 15-foot rear yard setback to a 3-foot rear yard setback adjacent to dwelling unit no. 74 and a 10-foot rear yard setback adjacent to dwelling unit nos. 99 and 100 is granted. Yard setbacks for the remainder of the lot shall be 20 feet for the front yard setback, 5 feet for the side yard setbacks, and 15 feet for the rear yard setback.
22. In compliance with Section 22.20.210 of the Los Angeles County Code, no dwelling units or other structures shall exceed a height of 35 feet above grade.
23. Section 22.20.230 of the Los Angeles County Code requires parking to be provided as required by Part 11 of Chapter 22.52 of the Los Angeles County Code. Section 22.52.1180 of Part 11 requires parking to be provided for residential uses as follows: two covered standard automobile parking spaces for each single-family residence and one guest parking space for every four dwelling units for a total of 224 resident parking spaces and 28 guest parking spaces distributed throughout the project site. The Exhibit "A" (dated April 7, 2003) submitted by the applicant depicts two covered parking spaces for each two-story residence and two covered and one uncovered parking spaces for each three-story residence. A total of 327 parking spaces will be provided, including 54 guest parking spaces distributed throughout the project site, which exceeds the required parking for the project.

24. Pursuant to Section 22.52.630 of the Los Angeles County Code, all required fences or walls which are open to public view from any street or highway shall be provided with at least one square foot of landscaping for each linear foot of such frontage; no landscaping shall be developed with a horizontal dimension of less than three feet. The applicant's landscape plan is in compliance with this requirement.
25. The applicant has submitted a development program, consisting of a site plan and progress schedule, which complies with the requirements of Section 22.40.050 of the Los Angeles County Code.
26. As a condition of approval of this grant, the applicant will be required to comply with all applicable development program conditions as set forth in Section 22.40.070 of the Los Angeles County Code.
27. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code section 21000 et.seq.) ("CEQA"), the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Initial Study identified potentially significant effects of the project on noise, water quality, cultural resources, traffic, visual qualities, and environmental safety. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the Board, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning prepared a Mitigated Negative Declaration for this project.
28. Changes in the proposed project or conditions of approval are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The Mitigation Monitoring program is contained in the Mitigated Negative Declaration and identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impact to the environment is ensured.
29. This project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.

30. Approval of this conditional use permit is conditioned on the applicant's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 53937. Additionally, the mitigation measures contained in the Mitigated Negative Declaration are incorporated into the conditions of approval for this permit.
31. The Board has reviewed and considered the information contained in the Mitigated Negative Declaration, together with any comments received during the public review process, finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.
32. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be Ellen Fitzgerald, Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan;
- B. That with the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;



- E. That the development program submitted provides necessary safeguards to insure completion of the proposed development by the applicant, forestalling substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area; and
- F. That topographic features, subdivision plans, and other conditions create an unnecessary hardship and make it obviously impractical to require compliance with the front and rear yard requirements and the requirement that the side yard wall not exceed a height of six feet.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- 1. Adopts the Mitigated Negative Declaration and certifies that it has been completed in compliance with CEQA and the State and County guidelines related thereto.
- 2. Adopts the Mitigation Monitoring Program for the proposed project incorporated in the Mitigated Negative Declaration and, pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.
- 3. Approves Conditional Use Permit Case No. 02-218-(2), subject to the attached conditions.

## **REVISED**

### **CONDITIONS FOR APPROVAL CONDITIONAL USE PERMIT NO. 02-218-(2)**

1. This grant authorizes the use of the subject property for 112 single-family detached condominium units, as depicted on the approved exhibit map marked Exhibit "A," subject to all of the following conditions of approval.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property, if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 8, 9, and 48.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this grant that if any condition hereof is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided, that the permittee has been given written notice to cease such violation and has failed to do so within 30 days of receiving notice.
6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or hearing officer may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
7. Prior to or concurrently with the recordation of the final map for Vesting Tentative Tract Map No. 53937, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.

8. Within five days of the approval date of this grant, the permittee shall remit a \$25 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.
9. The subject property shall be developed and maintained in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for ten biennial inspections. The inspections shall be unannounced. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).
10. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
11. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

12. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 53937. In the event that Vesting Tentative Tract Map No. 53937 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
13. This permit shall not become effective unless and until the Board of Supervisors has adopted an ordinance adopting Zone Change Case No. 02-218-(2) and such ordinance has become effective.
14. The subject property shall be graded, developed, and maintained in substantial compliance with the approved tentative tract map (dated October 23, 2002) and the approved exhibit map marked Exhibit "A" (dated April 7, 2003). In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Planning Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
15. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions and shown on the approved plans.
16. The development of the subject property shall comply with all requirements and conditions approved for Vesting Tentative Tract Map No. 53937.

17. Prior to the issuance of any grading permit, the permittee shall install an opaque material screen across the entire face of the existing six-foot chain link fence along the southern property line to the satisfaction of the Planning Director. As soon as practical, the permittee shall construct a wall on the southern property line, eight feet in height as measured within one foot of the southern property line, to the satisfaction of the Planning Director.
18. No grading permit shall be issued prior to the recordation of a final map except as authorized by the Planning Director.
19. Two-story and three-story dwelling units shall be permitted as designated on the approved Exhibit "A." A maximum of 48 three-story units are permitted on the subject property. Two-story units shall be a maximum of 25 feet in height above grade and three-story units shall be a maximum of 35 feet in height above grade, except for chimneys and rooftop antennas. No structure shall exceed a height of 35 feet above grade, except for chimneys and rooftop antennas.
20. The permittee shall submit a copy of the project Covenants, Conditions, and Restrictions to the Planning Director for review and approval prior to the recordation of the final map for Vesting Tentative Tract Map No. 53937.
21. Concurrently with the recordation of the final map, the permittee shall record a lot line adjustment and convey deeds to the adjacent property owners to establish a portion of the eastern property line consistent with the location of the existing wall approximately nine feet to the west. Alternatively, if the permittee does not record said lot line adjustment, the permittee shall remove the existing wall and construct a new wall of similar dimensions and materials on the existing eastern property line.
22. A five-foot front yard setback adjacent to dwelling unit no. 112 is permitted as depicted on the approved Exhibit "A." If the permittee records a lot line adjustment as provided in Condition No. 21, a 3-foot rear yard setback adjacent to dwelling unit no. 74 and a 10-foot rear yard setback adjacent to dwelling unit nos. 99 and 100 shall be permitted. If the permittee does not record the lot line adjustment, a 12-foot rear yard setback adjacent to dwelling unit no. 74 shall be permitted. Yard setbacks for the remainder of the lot shall be 20 feet for the front yard setback, 5 feet for the side yard setbacks, and 15 feet for the rear yard setback.
23. A recreation area consisting of a pool, spa, cabana, and tot lot, covering approximately 0.25 acre, shall be constructed on the property as depicted on the approved Exhibit "A."

24. Parking shall be provided in compliance with all applicable requirements of Part 11 of Chapter 22.52 of the Los Angeles County Code. A minimum of 327 standard automobile parking spaces, as depicted on the approved Exhibit "A," shall be provided and continuously maintained on the subject property, developed to the specifications listed in Section 22.52.1060 of the Los Angeles County Code. There shall be at least two covered parking spaces designated for each two-story dwelling unit, and at least two covered and one uncovered parking spaces designated for each three-story dwelling unit. There shall be at least 54 guest parking spaces distributed throughout the project site as depicted on the approved Exhibit "A." The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use. The permittee shall submit a parking management plan and provide for continued enforcement of the parking management plan in the Covenants, Conditions, and Restrictions to the satisfaction of the Department.
25. A maximum of approximately 6.1 acres of the project site shall be paved and/or covered by structures.
26. The permittee shall provide in the Covenants, Conditions, and Restrictions, to the satisfaction of the Department, full disclosure to prospective purchasers of the condominiums that the development is located adjacent to existing industrial zoning and industrial uses, with attendant impacts, which are permitted to continue operations in compliance with requirements of the Los Angeles County Code and any applicable permits.
27. The permittee shall provide in the Covenants, Conditions, and Restrictions, to the satisfaction of the Department, reference to or inclusion of a reserve formula to ensure full disclosure to prospective purchasers of the condominiums of reserve fund requirements for the long-term maintenance, repair, replacement, or improvement of homeowners association property and common property.
28. All utilities shall be placed underground.
29. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
30. Detonation of explosives or any other blasting devices or material is prohibited unless all required permits have been obtained and adjacent property owners have been notified.

31. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to Monday through Friday, between 7:00 a.m. and 6:00 p.m., and Saturday, between 8:00 a.m. and 5:00 p.m. No Sunday or holiday operations are permitted.
32. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Planning Director and the Director of Public Works.
33. The permittee shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
34. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
35. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect as required throughout the term of this grant.
36. All construction and development within the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County of Los Angeles.
37. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
38. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
39. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with Los Angeles County Building and Plumbing Codes.

40. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
41. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities, including, but not limited to water mains, fire hydrants, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by said bureau.
42. Pursuant to Chapter 22.72 of the Los Angeles County Code, the permittee or its successor in interest shall pay a fee to the Los Angeles County Librarian prior to the issuance of any building permit, as this project's contribution to mitigating impacts on the library system in the Southeast Planning Area, in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department. The current fee amount is \$641 per dwelling unit (\$641 X 112 dwelling units = \$71,792). The permittee may contact the Los Angeles County Librarian at (562) 940-8430 regarding payment of fees.
43. Prior to the issuance of building permits, the permittee shall pay all required school mitigation fees.
44. Prior to the issuance of any grading or building permit, a site plan shall be submitted to and approved by the Planning Director indicating that the proposed construction and associated grading complies with the conditions of this grant and the standards of the zone.
45. Prior to the issuance of any building permit, the permittee shall submit to the Planning Director for review and approval three copies of a revised landscape plan. The landscape plan shall be in substantial conformance with the conceptual landscape plan dated October 23, 2002. Landscaping shall be provided along the street frontage of the property, in the front yards of each condominium unit, in the guest parking areas, and in the recreation area, and trees shall be planted along the buffer on the northern boundary of the property. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, litter removal, fertilizing, and replacement of plants as necessary. Drip irrigation systems or other water-conserving devices shall be employed for all plantings except for ground cover and grass areas.



In addition to the review and approval by the Planning Director, the staff biologist of the Department and the Los Angeles County Forester and Fire Warden shall review the landscaping plans. Their review will include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. The landscape plan shall be maintained in compliance with the approved landscape plans.

The landscape plan must show that at least 50 percent of the area covered by landscaping will consist of trees, shrubs, and/or ground cover indigenous to the local region. However, if the permittee can prove to the satisfaction of the Department that landscaping utilizing 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then the Department may accept a lower percentage of such planting. In those areas where the Department approves such a reduction, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs, and/or ground cover at a mixture and density determined by the Department and the Forester and Fire Warden. Fire retardant plants shall be given first consideration.

**Permitted Plantings.** Fire retardant and locally indigenous plants that may be used for the required landscaping shall be approved by the Los Angeles County Forester and Fire Warden.

**Timing of Planting.** Prior to the issuance of building permits for any construction, the permittee shall submit a landscape phasing plan for the landscaping associated with that construction to be approved by the Planning Director. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs, and/or ground cover shall be completed within eight months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within 18 months following completion of the required planting. The permittee shall supply information for the Department's review of the completed landscaping at such time to confirm completion in accordance with the approved landscape plan. In the event that some plants have not flourished, at the time of review, the Department may require replacement planting as necessary to assure completion in accordance with such plan.

46. The following development program conditions shall apply:
- a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the development program shall be built, erected, or moved onto any part of the property.
  - b. No existing building or structure, which under the program is to be demolished, shall be used.
  - c. No existing building or structure, which under the program is to be altered, shall be used until such building or structure has been so altered.
  - d. Within each phase of development, all improvements shall be completed to the satisfaction of the Planning Director prior to the occupancy of any structures.
  - e. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
47. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Mitigated Negative Declaration for the project are incorporated herein by reference and made conditions of this grant. The permittee shall comply with all mitigation measures in accordance with the attached Mitigation Monitoring Program. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit mitigation monitoring reports to the Department and to the Los Angeles County Forester and Fire Warden, Health Hazardous Materials Division, for approval. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

The reports shall be submitted in the following sequence:

- a. Prior to or concurrently with submittal of a revised Exhibit "A" to be approved by the Planning Director prior to issuance of grading permits.
- b. At the time of building permit issuance, including verification of payment of applicable fees. If the project is phased, a report shall be submitted at each successive phase.
- c. Prior to occupancy clearances by the Los Angeles County Department of Public Works.

- d. Additional reports shall be submitted as required by the Planning Director and the Los Angeles County Forester and Fire Warden.
- 48. Within 30 days of the approval date of this grant, as provided in the Mitigated Negative Declaration, the permittee shall deposit the sum of \$3,000 with the Department to defray the cost of reviewing the permittee's reports and verifying compliance with the information contained in the reports required by the Mitigation Monitoring Program. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Planning Director, to ensure that all applicable mitigation measures are implemented and reported in the required mitigation monitoring reports.

Attachment:

Mitigation Monitoring Program, 3 pages

October 28, 2003

Agenda No. 11  
8/26/03

Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**VESTING TENTATIVE TRACT MAP NUMBER 53937  
SECOND SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced subdivision which proposes one multi-family lot for development with 112 detached condominiums on approximately 9 acres in the Carson Zoned District. At the conclusion of the hearing, you indicated an intent to approve the subdivision and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN  
County Counsel

By  
JUDITH A FRIES  
Principal Deputy County Counsel  
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN  
County Counsel

JAF:cnz

Enclosure

**REVISED**

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
VESTING TENTATIVE TRACT MAP NO. 53937**

1. The Board of Supervisors ("Board") of the County of Los Angeles has conducted a duly noticed public hearing on this proposed Vesting Tentative Tract Map No. 53937 on August 26, 2003. The Regional Planning Commission of the County of Los Angeles previously conducted its duly noticed public hearing on this proposal on March 19, 2003, and July 2, 2003.
2. The subdivider is proposing to construct a residential development consisting of 112 detached condominiums on the subject property.
3. The proposed tentative map is a proposal to create one multi-family lot on the subject property.
4. The subject site is located at 21000 South Normandie Avenue in the Carson Zoned District.
5. The irregularly shaped property is 9.33 net acres (9.59 gross acres) in size with level topography. The site is currently developed with three industrial buildings previously owned by Boeing for research and development and manufacturing uses. These buildings will be removed to accommodate the proposed development.
6. Access to the proposed subdivision will be provided from the west via Normandie Avenue, a secondary highway. A driveway system linking Normandie Avenue to the west and 210<sup>th</sup> Street to the east will serve the proposed development. Access from 210<sup>th</sup> Street will be restricted to emergency vehicles only.
7. Properties to the north of the project site are used for various commercial and industrial purposes. Single-family residences are located to the east and west and a mobile home park surrounded by single-family residences is located to the south.
8. The project site is currently zoned MPD (Manufacturing Industrial Planned Development). The zoning was established by Ordinance No. 92-0083, which became effective on September 5, 1992. The Board has concurrently considered Zone Change Case No. 02-218-(2) to change the zoning of the

subject property from MPD to R-2-DP (Two-Family Residence-Development Program Zone). Approval of the tentative map will not become effective unless and until the Board has adopted an ordinance effecting the change of zone and such ordinance has become effective.

9. Surrounding zoning is MPD (Manufacturing Industrial Planned Development) to the north and south and R-1-5000 (Single-Family Residence-5000 square foot minimum lot area) to the east. Property to the west is located within the City of Los Angeles and zoned single-family residential. Farther north are properties zoned R-2 and C-3 and farther south are R-1-5,000 zoned properties.
10. The proposed subdivision is consistent with the requested R-2-DP zoning classification. Pursuant to Section 22.40.040 of the Los Angeles County Code, property in a DP zone may be used for any use permitted in the basic zone, subject to the conditions and limitations of the conditional use permit and approved development program contained therein. Single-family residences are permitted in the R-2 zone pursuant to Section 22.20.170 of the Los Angeles County Code. The project density of 112 dwelling units is consistent with the proposed R-2 zoning, which would allow a maximum of 162 dwelling units on the subject property.
11. The property is depicted within the Low Density Residential land use classification of the Los Angeles Countywide General Plan Land Use Policy Map. This land use classification permits residential densities ranging from one to six dwelling units per acre, which would allow a maximum of 57 dwelling units on the site. The density of the proposed subdivision, approximately 11.67 dwelling units per acre, exceeds the density allowed in the Low Density Residential land use classification. However, General Plan policies also support concentrated "infill" residential development. The subdivision's higher density is consistent with the residential infill policy of the General Plan since it meets the following criteria:
  - a. The proposed project will not disrupt sound residential neighborhoods nor adversely affect the character of the established community since the surrounding area has a variety of residential, industrial, and commercial uses. Surrounding residential densities range from six dwelling units per acre up to 26 dwelling units per acre in the adjacent mobile home park;
  - b. The proposed project site is of sufficient size to accommodate design features, such as setbacks, landscaping, and buffering, necessary to ensure compatibility with surrounding uses. Such project features include detached condominiums with front, side, and rear yards for each home, which are comparable to the development pattern of nearby single-family

residences. As depicted on the conceptual landscape plan, extensive landscaping is provided, and trees will be planted on the northern boundary of the project to provide a buffer from the adjacent industrial use. The project will also provide a 6,500-square-foot recreation area consisting of a pool, spa, cabana, and tot lot;

- c. The proposed project will not overburden existing public services and facilities, as described in the Mitigated Negative Declaration prepared for the project;
  - d. The proposed use will not disrupt or adversely impact local traffic and parking conditions. A total of 327 parking spaces will be provided on-site. There are two covered parking spaces and one uncovered space for each three-story condominium, two covered parking spaces for each two-story condominium, and 54 guest parking spaces, which substantially exceeds the County guest parking requirement of one guest space for every four dwelling units. The Mitigated Negative Declaration prepared for the project concludes that the proposed residential development will not adversely affect local traffic conditions since the subdivider will contribute the required pro rata share for traffic improvements; and
  - e. Compatibility of the proposed project with surrounding uses, in terms of scale, intensity, and design, is ensured through specific site plan review. The subdivider has submitted an Exhibit "A" depicting a residential development that is compatible with the character, scale, and design of the surrounding neighborhood.
12. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the Los Angeles County General Plan. The project will provide a range of housing types, increase the supply and diversity of housing, and promote the efficient use of land through a more concentrated pattern of urban development.
13. Conditional Use Permit Case No. 02-218-(2) is a related request to authorize construction of 112 detached condominiums on the project site in compliance with the requirements of the proposed R-2-DP Zone. The Board's findings with respect to this conditional use permit are incorporated herein by this reference as if fully set forth.

14. The Regional Planning Commission received oral and written testimony regarding the proposed development at a public hearing held on March 19, 2003. Correspondence was submitted to the Regional Planning Commission from a constituent requesting that construction vehicles be prohibited from accessing the subject property from 210<sup>th</sup> Street and that there be a permanent restriction on access for emergency vehicles only from 210<sup>th</sup> Street.
15. The Regional Planning Commission approved Vesting Tentative Tract Map No. 53937 on May 14, 2003. At its first meeting thereafter, on May 21, 2003, the Commission reconsidered and rescinded its approval based on new evidence that soil contamination from a prior industrial use had been detected on the project site. The Commission directed that the Initial Study and Mitigated Negative Declaration previously prepared for the project be revised as necessary to consider the on-site soil contamination and to incorporate mitigation measures adequate to reduce the project's impacts on environmental safety to less than significant levels. The Mitigated Negative Declaration was revised and circulated for public review, and a subsequent public hearing on proposed Tentative Tract Map No. 53937 was conducted by the Commission on July 2, 2003.
16. After considering the evidence presented, the Regional Planning Commission approved the tentative map and determined that the covenants, conditions, and restrictions for the project should be required to include disclosure of the existing adjacent industrial zoning, uses, and impacts, as well as disclosure of a formula for long-term reserve fund requirements. The Commission also modified the conditions of approval to include the following: 1) complete remediation of any on-site soil contamination resulting from the prior industrial use, 2) construction of an eight-foot wall on the southern property line, 3) graffiti removal within 24 hours, and 4) submission of a parking management plan.
17. No one testified concerning the project at the August 26, 2003, hearing on the matter before the Board of Supervisors.
18. The proposed development is compatible with surrounding land use patterns. Residential development surrounds the subject property to the east, west, and south.
19. The site is physically suitable for the type of development and density being proposed, since the property is relatively level and has adequate building sites to be developed in accordance with the County grading ordinance, has access to a County-maintained street, will be served by public sewers, will be provided with water supplies and distribution facilities to meet anticipated domestic and fire



protection needs, and will have flood hazards and geological hazards mitigated in accordance with the requirements of the County Department of Public Works.

20. The design of the subdivision and the type of improvements proposed will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the conditions of approval.
21. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The subject property is not located in a Significant Ecological Area and does not contain any stream courses or high-value riparian habitat.
22. The design of the subdivision provides to the extent feasible for future passive or natural heating or cooling opportunities therein.
23. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map since the design and development, as set forth in the conditions of approval and shown on the tentative map, provide adequate protection for any such easements.
24. The proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake, or reservoir, as those terms are used in Article 3.5 of the Subdivision Map Act.
25. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with section 13000) of the California Water Code.
26. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the County General Plan.
27. This tract map has been submitted as a "Vesting" Tentative Tract Map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the Los Angeles County Code.

28. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code section 21000 et.seq.) ("CEQA"), the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Initial Study identified potentially significant effects of the project on noise, water quality, cultural resources, traffic, visual qualities, and environmental safety. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the subdivider made or agreed to revisions in the project that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the Board, that the project as revised may have a significant effect on the environment. Based on the Initial Study and project revisions, the Department of Regional Planning prepared a Mitigated Negative Declaration for this project.
29. Changes in the proposed project or conditions of approval are necessary in order to ensure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The Mitigation Monitoring Program is contained in the Mitigated Negative Declaration and identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.
30. This project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.
31. The Board has reviewed and considered the information contained in the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.
32. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be Ellen Fitzgerald, Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

**THEREFORE, THE BOARD OF SUPERVISORS:**

4. Adopts the Mitigated Negative Declaration and certifies that it has been completed in compliance with CEQA and the State and County guidelines related thereto.
5. Adopts the Mitigation Monitoring Program for the proposed project incorporated in the Mitigated Negative Declaration and, pursuant to section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.
6. Approves Vesting Tentative Tract Map No. 53937, subject to the attached conditions.

**CONDITIONS FOR APPROVAL  
VESTING TENTATIVE TRACT MAP NO. 53937**

1. Conform to the applicable requirements of Titles 21 and 22 of the Los Angeles County Code (Subdivision and Zoning ordinances) and the requirements of the R-2-DP zone. Also, comply with the requirements of Conditional Use Permit Case No.02-218-(2).
2. Recordation of the final map is contingent upon the effectuation of an ordinance changing the zoning on the property from MPD to R-2-DP as recommended under Zone Change Case No. 02-218-(2).
3. Show Normandie Avenue and 210<sup>th</sup> Street as dedicated streets on the final map.
4. Dedicate to the County of Los Angeles on the final map the right to restrict vehicular access on Normandie Avenue and 210<sup>th</sup> Street.
5. Prohibit pedestrian access through 210<sup>th</sup> Street and restrict vehicular access through 210<sup>th</sup> Street to emergency vehicles only. Provide for these restrictions in the Covenants, Conditions, and Restrictions for the project.
6. Submit a copy of the Covenants, Conditions, and Restrictions and any maintenance agreement for the project to the Department of Regional Planning for review and approval.
7. Construct or bond with the Department of Public Works for the construction of driveway paving in widths as shown on the exhibit map marked Exhibit "A" (dated April 7, 2003) to the satisfaction of the Department of Regional Planning and the Fire Department.
8. Label all common driveways required to be designated as fire lanes by the Fire Department as "Private Driveway and Fire Lane" on the final map or on a plat to be recorded by separate document concurrently with the recordation of the final tract map.
9. Post all driveways which are designated "Private Driveway and Fire Lane" with signs stating "No Parking-Fire Lane" and provide for continuous posting and enforcement of this restriction in the Covenants, Conditions, and Restrictions.

10. Provide for the ownership and continued maintenance of the private driveways through a homeowners association or road maintenance agreement.
11. Submit a letter to the Department of Regional Planning agreeing to provide an adequate lighting system along all walkways to be constructed within the common areas to the satisfaction of the Department of Regional Planning.
12. Provide in the Covenants, Conditions, and Restrictions a method for the continued maintenance of the common areas, including the driveways and the lighting systems along all walkways, to the satisfaction of the Department of Regional Planning.
13. Record the terms and conditions of Conditional Use Permit Case No. 02-218-(2) in the office of the Los Angeles County Recorder prior to or concurrently with the recordation of the final map.
14. This tract map is approved as a one-lot residential condominium project consisting of a total of 112 residential units, whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note or notes on the final map to this effect to the satisfaction of the Department of Regional Planning and the Department of Public Works.
15. Plant at least one tree of a non-invasive species within the front yard of the residential lot. The location and the species of said tree shall be incorporated into a site plan or landscape plan. Prior to final map approval, the site/landscape plan shall be approved by the Director of Planning and the County Forester and Fire Warden, and a bond shall be posted with the Department of Public Works, or other verification shall be submitted to the satisfaction of the Department of Regional Planning to ensure the planting of the required tree.
16. Within five days of the tentative map approval date, remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is *de minimus* in its effect on fish and wildlife, and a \$25 processing fee must be paid to the Los Angeles County Clerk to accompany the Certificate of Fee Exemption pursuant to section 711.4 of the Fish and Game Code. No land use project subject to this requirement is final, vested, or operative until the fee is paid.
17. A final tract map is required for this land division. A waiver is not allowed.

18. Pursuant to Chapter 22.72 of the Los Angeles County Code, the subdivider or its successor in interest shall pay a fee to the Los Angeles County Librarian prior to issuance of any building permit, as this project's contribution to mitigating impacts on the library system in the Southeast Planning Area, in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is \$641 per dwelling unit ( $\$641 \times 112 \text{ dwelling units} = \$71,792$ ). The subdivider may contact the Los Angeles County Librarian at (562) 940-8430 regarding payment of fees.
19. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this tract map approval, or related discretionary project approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code section 66499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action, or proceeding, and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
20. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the subdivider or the subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds to bring the balance up to the amount of initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of litigation.
  - b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the subdivider in accordance with Los Angeles County Code Section 2.170.010.

1.

21. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Mitigated Negative Declaration for the project are incorporated herein by this reference and made conditions of Vesting Tentative Tract Map No. 53937. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program. Record a covenant and agreement, and submit a copy to the Department of Regional Planning for approval, agreeing to the mitigation measures imposed by the Mitigated Negative Declaration for this project. As a means of ensuring the effectiveness of the mitigation measures, submit mitigation monitoring reports to the Department of Regional Planning and to the Los Angeles County Forester and Fire Warden, Health Hazardous Materials Division, for approval as frequently as may be required by the department. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.
22. Within 30 days of the approval of the tentative map, as provided in the Mitigated Negative Declaration, the subdivider shall deposit the sum of \$3,000 with the Department of Regional Planning to defray the cost of reviewing the subdivider's reports and verifying compliance with the information contained in the reports required by the Mitigation Monitoring Program.
23. Except as expressly modified herein above, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee, consisting of the Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Health Services.

Attachments:

Subdivision Committee reports, 9 pages  
Mitigation Monitoring Program, 3 pages